

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

HAROLD DEWHURST and DAVID BRYAN,
on behalf of themselves
and all other persons
similarly situated, and
UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,

Plaintiffs

v.

Civil Action No. 2:09-1546

CENTURY ALUMINUM COMPANY,
CENTURY ALUMINUM OF
WEST VIRGINIA, INC.,
CENTURY ALUMINUM MASTER WELFARE BENEFIT PLAN,
DOES 1 THROUGH 20,

Defendants

ORDER

Pending are (1) defendants' motion to dismiss the Second Amended Complaint, filed January 3, 2012, (2) the joint motion to set a date for filing of a motion for preliminary approval of a class action settlement agreement ("joint motion to set date"), filed May 30, 2012, and (3) the joint motion for leave to file a Third Amended Complaint ("joint motion for leave to amend"), filed June 13, 2012.

The docket additionally reflects the pendency of defendants' motion to stay discovery pending a ruling on the motion to dismiss the First Amended Complaint ("motion to stay"), filed October 14, 2011. Both of these motions were earlier resolved by the court. The motion to stay was resolved by the memorandum opinion and order entered December 29, 2011. The Clerk is directed to administratively reflect the termination of the motion to stay.

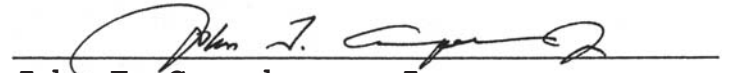
The court finds good cause supports the joint motion for leave to amend inasmuch as the proposed amendment primarily seeks to amend the class definition to match the terms of the tentative settlement in this case. The court, accordingly, ORDERS as follows:

1. That the joint motion for leave to amend be, and it hereby is, granted;
2. That the proposed Third Amended Complaint be, and it hereby is, filed today;
3. That defendants' motion to dismiss the Second Amended Complaint be, and it hereby is, denied as moot;
4. That the joint motion to set date be, and it hereby is, granted; and

5. That the parties be, and they hereby are, granted leave to file a motion for preliminary approval of a class action settlement agreement by July 6, 2012.

The Clerk is directed to forward copies of this order to all counsel of record and any unrepresented parties.

DATED: June 26, 2012


John T. Copenhaver, Jr.
United States District Judge